

“The Wild, Wild West”:
Historical Causes and Failed Promises of the Ohio Charter School Movement

Research Thesis

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by

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Introduction: Charter Schools in Ohio

In 1992, Ohio Governor George Voinovich issued an executive order to create the Governor's Commission on Educational Choice. According to David L. Brennan, Akron businessman and eventual charter school sponsor, the commission was not created to debate school choice, rather suggest how Ohio could implement such plans. By this time, talks of educational choice and marketization of schools were sweeping the nation, but this commission was unique. Whereas national politics championed school choice and the privatization of public education for increased parent involvement, community control, or the importance of small government, this Commission emphasized using markets to improve schooling for low income students.¹ Republican Senator Cooper Snyder and chairman of the Senate Education Committee said that the commission was just one of the governor's proposals to make significant changes in Ohio's education system, following attacks from 'poor schools' for being inequitable.² Voinovich would not officially endorse charter school legislation for another three years, and the first Ohio charter school would not be opened until 1997. The intent of the commission to study charter schools as an equalizing reform measure shows equity to be a primary focus of school choice reform in Ohio.

This story reveals that Ohio's charter school legislation was born, in part, in an attempt to equalize school outcomes between different districts. Senator Snyder is one of many people who have believed that charter schools can improve educational inequities. Voinovich championed

¹ Ohio Governor's Office, Commission on Educational Choice, Nov 6, 1992, Briefing on Educational Choice, Voinovich Collection

² Jonathan Riskind. "PRIVATE SCHOOLS MAY HAVE TO USE TEST - PROPOSAL AMONG SEVERAL LAWMAKERS CONSIDERING." *Columbus Dispatch, The (OH)*, February 13, 1993: 04B.

charter schools because he believed they could elevate student outcomes in poor districts to the level of suburban ones. To understand why the solution of charter schools was proposed, it is important to first note the problem it intended to fix: vast disparity in school quality between districts. Columbus is just one of Ohio's 'challenged' districts that has charter schools, but its story is representative of the whole state. Segregation, white flight, and urban decay are commonplace among midwestern cities. Columbus's failed attempts of addressing school inequality shows that school choice reform does not substantially improve outcomes of students in low performing areas.

Columbus's resistance to adopting school desegregation plans until 1979 and Ohio's tax laws specifically led to two kinds of major school inequality in the eighties and nineties. First, in the federal case *Penick v. Columbus Board of Education*, Judge Robert Duncan ruled Columbus intentionally maintained segregation years after the *Brown v. Board of Education* ruling and the 1964 Civil Rights Act. As a result, Duncan asserted, the board could not contend segregation in Columbus City Schools was de facto. Legal debate over de facto versus de jure and the school board's role in the matter lasted for several years so Columbus did not start busing students until 1979, decades later than districts in the south. As Columbus was late to formal desegregation efforts, white flight and suburbanization was already solidifying the residential segregation of Columbus and its neighboring suburban enclaves by the time it was enacted. This limited the potential for radical changes to school demographics.

Second, the state of Ohio funds its schools primarily off of local property taxes. Local taxes go directly towards their districts rather than being distributed equally around the state. This created gaps in per-pupil spending and school facilities between more and less wealthy

districts. The funding formula only worsens the divide between affluent and poor districts because affluent areas have a larger, more wealthy tax base and provide services other schools are unable to. It also places the burden of school improvement on localities. If a district is unable to collect more money from taxes, the students suffer.

These two factors specifically led to the vast disparities between school districts in Ohio, which prompted resistance and eventually court orders. In Ohio, unlike other states, charter schools were offered as a remedy to inequity. Many Ohioans were outspoken about their problems with their inequitable funding system for about a decade before the Ohio Supreme Court ruled the legislature needed to completely overhaul its school funding formula. This ruling prompted urgency to act as well as pushback from wealthy districts who feared their resources would be redistributed and conservative lawmakers who opposed new taxes. Ohio lawmakers took the broader school choice movement and shaped it to align with the court's mandate to improve low income districts.

Charter school legislation has not attained the equalization of opportunities and outcomes for all students in Ohio as it was intended. Instead, students from affluent backgrounds still attend better rated schools than their peers. Charter schools have not shown to improve surrounding public schools via competition nor do they outperform public schools. Ohio law stipulates charters to be centered in 'challenged districts' as they are intended to support students in those districts specifically. Yet they have not actually addressed the root causes of those students' disadvantages. Moreover, the history of these reforms reveals widespread corruption that continued despite millions of tax dollars being lost. They built the system poorly which enabled for profit corporations to put profit before student outcomes.

Ohio failed to deliver the proposed outcomes because legislation on the creation and sponsorship of charter schools were especially negligent. For profit charter schools have hurt students by giving them less than adequate education while profiting off Ohio taxpayers in numerous scandals. Examples of these incidences include forging attendance records to receive funds for students that did not exist and using state money to buy resources then selling them for a profit. Educational outcomes are still not equal between districts despite charter school legislation being introduced two decades ago for that cause.

Furthermore, the campaign for school choice was not about small government or more choice. It was about finding a solution to the state supreme court's mandate of equal funding, while keeping tax revenue concentrated in suburban areas. Ohio legislation ignores the framework of school choice created by Milton Friedman, which asserts for school choice to be done correctly, there needs to be a true free market. Ohio laws constraining charter schools to 'challenged district' reinforces that equality was not the true intention, but was said to be because a court ruling necessitated a more equal public education system.

Chapter 1: *Penick*, Win-Win, and the Backdrop of *DeRolph*

Understanding the problems with charters requires an examination of some of the root causes of educational inequality in Ohio, and the history of several court cases reveals previous efforts to improve school inequity which were deemed unsuccessful by the early nineties. School choice reform was suggested as other attempts failed. Judge Robert Duncan's opinion in *Penick v. Columbus Board of Education* begins with his acknowledgement that segregation litigation has impacted communities all over the country, and Columbus was not immune. He says it is a problem all could "do better without," but ignoring it will not make it go away.¹ After naming the plaintiffs and defendants, Duncan goes into a brief history of Columbus City Schools before 1954. The recital of history "is neither for the purpose of dragging out skeletons of the past nor a vindictive finger pointing exercise", he argues, as it is needed for one to understand the background that led to the makeup of the district in the 1970s when the case was filed.²

Columbus City Schools were intentionally segregated before the Supreme Court ruling *Brown v. Board of Education* in 1954. The residential demographics of Columbus and its surrounding area were shaped by lawmakers and developers as soon as the city was established. The history of charter schools in Columbus is not just about income inequality, its about race. A disproportionate number of black students are confined to 'challenged districts' because of past state sanctioned segregationist zoning policies and other racist governmental actions. It is, therefore, important to think about the creation of charter schools in central Ohio over the past

¹ *Penick v. Columbus Bd. of Ed.*, 429 F. Supp. 229 (S.D. Ohio 1977)

² *Penick v. Columbus Bd. of Ed.*, 429 F. Supp. 229 (S.D. Ohio 1977)

twenty years in the context of residential and school segregation. Lawmakers established charter school legislation as recourse to previous inequalities. Those inequalities are the legacy of previous state mandated and sanctioned structures rooted in racism.

Columbus became spatially segregated as soon as the modern black community began taking shape during World War I. The African American population of Columbus boomed during this time as people migrated North in search of industrial jobs. Developers used restrictive covenants and exclusionary zoning to ensure some areas were solely white despite the influx of black families.³ As the black community continued to grow realtors began “blockbusting” white spaces and which resulted in the creation of black residential areas. Through these processes Columbus’s spatial segregation solidified by the 1930s.⁴

Racially motivated zoning practices continued well after. City council and zoning board members responded to the private sector, which hardened the lines between poor and rich communities, as well as white and minority areas.⁵ The federal government did not provide legal protection against these racist zoning policies, or when banks and realtors discriminated against black homebuyers; the Federal Housing Authority even encouraged these practices.⁶ School zones were based on where one lived, and the school board actively ensured school lines

³ Patricia Burgess, *Planning for the Private Interest: Land Use Controls and Residential Patterns in Columbus, Ohio, 1900-1970* (Ohio: Ohio State University Press, 1994), 29.

⁴ Gregory S. Jacobs, *Getting around Brown: Desegregation, Development, and the Columbus Public Schools* (Columbus: Ohio State Univ. Press, 1998), p. 7)

⁵ Burgess, 273

⁶ Richard Rothstein, *The Color of Law: A Forgotten History of How Our Government Segregated America* (London, NY: Liveright Publishing Corporation, 2017)

reflected the existing residential segregation patterns. By the 1954 *Brown v. Board of Education* ruling, Columbus had dual school districts, one white and one black, within the same city.⁷

Duncan asserted in *Penick* that prior to the 1954 *Brown* decision, Columbus schools were not segregated by accident, rather governmental action was involved.⁸ Duncan held a fairly conservative outlook and admitted that this history was not enough to warrant a court mandated desegregation plan. However, the Columbus Board of Education acted in ways to maintain the dual system of education after the *Brown* ruling. In his order, Judge Duncan listed examples of the board turning down proposals that would have promoted integration, and supported ones that maintained rigidly segregated school zones. Duncan stated that actions of public officials who ignored avenues for integration disturbed him.⁹ He thus ordered the school board to be “permanently enjoined from discriminating on the basis of race in the operation of the Columbus Public Schools.”¹⁰ To enforce this ruling, he prohibited the board from constructing new schools without court approval and mandated that the Columbus Board of Education formulate and submit a desegregation plan to be approved by the court.

On March 8, 1977, the *Penick* ruling was finalized and a comprehensive desegregation plan began taking shape. However, white flight began years before the ruling and the city of Columbus was already losing its tax base and experiencing a decreased interest in residential development. The city had to reckon with desegregating a district that was becoming less and

⁷ Jacobs, 14

⁸ *Penick v. Columbus Board. of Education.*, 429 F. Supp. 229 (S.D. Ohio 1977)

⁹ Ibid.

¹⁰ Ibid.

less diverse. Duncan predicted white flight would result from his ruling, saying school desegregation cases have unfortunate consequences of white flight and the social ills that follow, like a weakened tax base and an even more pronounced racial imbalance. He warned policy makers to not forget these ills while formulating the remedy.¹¹

Duncan's warning came too late. The mere filing of the case in 1973 already contributed to residential developers abandoning the city of Columbus, prior to a desegregation mandate being confirmed.¹² Northern fears of integration were already high by the early 70s. The 1968 *Green vs. County School Board of New Kent County* case ruled 'freedom of choice' plans were not a proper remedy to desegregation because it placed the burden on the student, rather than the district, to integrate.¹³ The Columbus School Board implemented such options and even used them as examples in *Penick* to show progress.¹⁴ "Like the squeezing of a balloon," the potential for desegregation suits in Columbus drove down single-family housing development and increased white flight to the suburbs.¹⁵ A 1983 study stated that the trend of new single-family home construction was steadily declining beginning in 1975, because of the threat of desegregation and the knowledge that the suburbs would not be included in integration plans.¹⁶

¹¹ Ibid.

¹² Jacobs, 6.

¹³ "*Green v. County School Board of New Kent County*." Oyez. Accessed November 21, 2019. <https://www.oyez.org/cases/1967/695>.

¹⁴ *Penick v. Columbus Bd. of Ed.*, 429 F. Supp. 229 (S.D. Ohio 1977)

¹⁵ Jacobs, 7.

¹⁶ Ibid.

Fierce resistance and more litigation followed the *Penick* decision, and the formal, court approved desegregation plan did not begin until the fall of 1979. The first day of busing proceeded quietly as an aggressive media campaign, businesses, and school leaders all called for peace for the first day of Columbus students' term.¹⁷ However, the implementation of this plan began after white flight was already depleting the city. With the fleeing white families, other private and public services left the city proper of Columbus- sewer lines, water mains, roads, property taxes, commercial development, and jobs were leaving the urban center for suburbia, worsening the city's problems. This had a cyclical effect, when one sector left others would follow, especially residential development. By 1979 when busing began, the cycle of white flight was already well underway and Columbus Public Schools enrollment was rapidly decreasing.¹⁸

The Columbus School Board began introducing new policies of annexation in the early 1980s to specifically combat the financial losses of suburbanization . The board sought the annexation of new suburbs to be included into the city or to have the school districts between the city and suburbs overlap in the hopes of retaining some of the wealthy tax base and to increase the student enrollment.¹⁹ Many suburban voters opposed these propositions. Suburban voters expressed fears of losing control to their state representatives. According to State Senator John Kasich, "People choose an area to live in, work hard to purchase property and assume their children will attend certain schools." In 1980, the Ohio General Assembly approved a two-year

¹⁷ Tebben Gerald. "COLUMBUS MILEPOST | Sept. 6, 1979: First Day of School Busing Accomplished Quietly." *Columbus Dispatch, The (OH)*, September 6, 2012.

¹⁸ Jacobs, 139. You're using the same source for a lot of this chapter. If you have time, you should add some other material. This was definitely covered in the newspaper, for example.

¹⁹ Jacobs, 141.

moratorium on the issue of annexation, then approved two more in the following years. These moratoriums showed the political power moving out of the city and favoring suburban white families by the 1980s, making integration in Columbus all the more unlikely.

Shortly before the third moratorium expired, superintendents, business leaders, and politicians of the greater Columbus area passed what they called the Win-Win Agreement of 1986. This contract made existing school district boundaries permanent and land that was not claimed by either the City of Columbus nor a suburban entity would be included in the Columbus City School district. Revenues from the commercial and industrial development would be shared by the city of Columbus with the suburban districts.²⁰ Prior to 1986 Columbus City Schools did not have to share revenues from industrial development. These results favored the suburbs, and the upperhand they had throughout the negotiation process exemplifies political clout moving to the suburbs. Beth Bogedain, a representative from the suburban Groveport Madison district praised the agreement as it maintained “stability” for students.²¹ The stability she applauded was the knowledge that students from the suburbs would not attend schools in the city, and students from the city would not attend the schools in the suburbs. Officials from suburban Worthington, South-Western City Schools, Gahanna- Jefferson, and Dublin extolled the Win-Win agreement in the *Columbus Dispatch*.²² However, this plan was not considered a win for the Columbus City School District, rather it was the best they could do as the battle had

²⁰ Jacobs, 170.

²¹ "FUTURE OF EDUCATION IS BRIGHT IN COUNTY BECAUSE OF EFFORTS." *Columbus Dispatch*, May 30, 1986: 12A.

²² "ANNEXATION FOES GRATEFUL COOPERATIVE PACT REACHED." *Columbus Dispatch*, June 10, 1986: 8A. Craig Merz. "SCHOOL DISTRICTS FEEL RELIEF." *Columbus Dispatch*, May 28, 1986: 1.

already been lost.²³ District officials knew that to build Columbus Schools they would need resources, a stable tax base, and the return of residential development, but they could not secure that without all of the revenue from commercial and industrial development in common areas. However, it was impossible to secure those funds with suburban resistance.

According to Historian Gregory Jacobs, the Win-Win Agreement solidified the resource disparity between the suburbs and the city and cemented the Columbus Public School District's reputation as second class.²⁴ This disparity was exacerbated by Ohio law that used a district's property taxes to fund its own schools. As the main source of revenue depended on the wealth of those in the neighborhood, how much money each school spent on their students varied widely. By the 1990s, parents in low income areas were pushing legislators to create a more fair funding formula for Ohio schools, citing inequality and disparate funding between districts. These frustrations in Ohio schools coincided with a broader national movement for school reform, and Ohio politicians eventually shaped the national school choice movement to fit the conversation of school reform in Ohio.

²³ Jacobs, 174

²⁴ Jacobs, p. 175, 178

Chapter 2: The National School Reform Movement

Just as Columbus officials were struggling with the history of segregation, a new movement in education would lead them to consider charter schools as a potential tool for educational inequality. In 1981, President Reagan's Secretary of Education Terrel Bell created the National Commission on Excellence in Education to address the widespread perception that America's education system was negligent and failing. The commission published their evaluation of America's public schools in *A Nation at Risk* in 1983, and as the name suggests, the report solidified those fears, saying that the very foundations of American democracy were endangered by "the rising tide of mediocrity" in public schools.¹ The commission not only argued that school children were being harmed by this second-rate education, but the whole country was becoming so weak it was at risk of being overtaken by foreign adversaries. The report predicted the downfall of America without immediate reform, saying: "our society [is] presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."²

According to education policy expert Nancy E. Bailey, *A Nation at Risk* marks the beginning of the omnipresent condemnation of public schools in America, which persists to this day.³ The report blamed deficiencies on public education, asserting the faults in schools were

¹ United States. National Commission on Excellence in Education. *A Nation at Risk: the Imperative for Educational Reform*. Washington, D.C: The National Commission on Excellence in Education, 1983.

² Ibid.

³ Nancy E. Bailey, *Losing America's Schools: the Fight to Reclaim Public Education* (Lanham: Rowman & Littlefield, 2016), p. 1)

responsible for America lagging behind on the international stage. According to Bailey, the report also began the trend of politicians directly linking the economy to K-12 schools. Since the First World War career development was a major concern of schools, but public school standings were not used to assess the economy. Bailey writes, however, that public schools were deemed to be in ‘crisis’ across the board starting in the early eighties. Her argument explains widespread concerns about public schooling during this time, which prompted demands for market-based reforms. National leaders suggested voucher systems and school choice to innovate the education sector. Ohio politicians called for vast school reform as well but their primary focus was on improving poor districts, rather than increasing community control, the principles of small government, or innovation. As a result, Ohio's messaging around charter schools and its legislation does not fully align with the national movement.

The report propelled policy makers to measure student outcomes based on achievement scores. These scores largely come from international comparisons and arbitrary ‘grade levels’ that do not account for differences in schools, such as student poverty percentages or disability.⁴ Paradoxically, according to Bailey this demand for higher standards and consistent measurements led to a “vastly enforced federal government presence in American education” while politicians were arguing market capitalism, competition, and low government influence could reshape the public education sector.⁵

A Nation at Risk prompted a frenzy of politicians calling for education reform. Conservative thinkers at the time called for competition, choice, and local control to be

⁴Bailey, 23.

⁵ James Guthrie and Matthew G. Springer. "'A Nation at Risk' Revisited: Did 'Wrong' Reasoning Result in 'Right' Results? At What Cost?" *Peabody Journal of Education* 79, no. 1 (2004): 7-35.

introduced to the public education system. These views were championed by Milton Friedman, an economist who exerted major influence over the conservative movement in the late 20th century. Friedman first proposed a voucher system to instill capitalist market competition into public schools in 1955, a year after the *Brown* decision. His piece did not gain much traction immediately as it was more of a concept paper than a policy recommendation. Twenty-five years later, however, Friedman and his wife Rose put the ideas of implementing a market economy into public education in their book *Free to Choose*. Published three years before *A Nation at Risk*, this book reflects similar themes, focusing specifically on the decline of the US and the importance of a truly capitalistic government to combat this decline. Instead of tax money going towards public schools, they theorized, parents should be given that money as a voucher so they can choose where their child will attend school. This would increase the quality of schools because poorly performing schools would either have to close because of a lack of students or increase their performance to stay in operation.⁶ In a hypothetical voucher system envisioned by Friedman in *Free to Choose* “the quality of all schooling would rise so much that even the worst... would be better in *absolute quality*. ”⁷ They also argued implementation of choice policies would benefit the disadvantaged the most, as it would give them an opportunity to leave poor performing schools.

President Ronald Reagan endorsed Friedman’s proposals, but they did not gain serious traction at the national level until the George H. W. Bush administration. Bush claimed he would become the ‘education president’ and at his national school summit in 1989 where he also

⁶ Milton Friedman and Rose D. Friedman. *Free to Choose: A Personal Statement* (New York, NY 1972.), 155

⁷ Friedman, 170.

endorsed school choice and business partnerships for public schools. In 1991, he established the New American Schools Development Corporation (NASDC) a nonprofit that promoted the idea that public schools are failing, and would be the “savior of the nation’s school children” by bringing in corporate sponsorships.⁸

Both Republicans and Democrats, however, championed the charter school idea in the early days of the movement. Democrats especially favored the innovative style proposed and imagined charter schools would unite teachers, parents, and the community under the common goal of improving their children’s education. In this conceptualization, schools would have more individual freedom to design a unique curriculum and structure, and parents and students would then be able to find their best fit. Charter schools even had the support of the American Federation of Teachers, a massively influential teacher union. AFT president Al Shanker envisioned charter schools to be personalized “learning laboratories” where students could find and develop their interests.⁹

The first charter school in America opened its doors to 53 students from St. Paul, Minnesota in 1992. National debate among teacher unions and politicians, conservative and liberal alike, were still ongoing. Some teacher unions and some liberal commentators worried traditional public schools would lose funding and were concerned over student outcomes because of the experimental nature; but the majority embraced charters as an opportunity for innovation and local control.¹⁰

⁸ Bailey, 4.

⁹ Bailey, 35.

¹⁰ Claudio Sanchez, “From A Single Charter School, A Movement Grows,” *Npr.org*, August 31, 2012

Chapter 3: The *DeRolph* Cases

Teachers and parents of the Northern Local district toured schools in Revere, a district that was considerably more affluent in November 1992. These two districts were chosen for the demonstration because they were similar in size, Northern Local in Appalachia and Revere nearby Cleveland, so the difference in wealth would be the main variable. Revere's property value per pupil was nearly double Northern's, and Revere spent \$5,000 while Northern spent only \$3,000, a considerable difference in the lives of students. Phyllis Sphon, second grade teacher remarked, "To me, this would be heaven." while visiting Revere because she saw amenities that were not feasible in her district. Steven Johnson, the Northern Local district Superintendent lambasted the funding system after seeing the differences, "Our children are losing out," he said, because his students are not afforded the same opportunities as others.¹

Along with the "economization" of public schooling that followed *A Nation at Risk*, education was perceived as a private rather than a public good in the psyche of American families at the time.² Parents concerned with private achievement are aware school inequality exists and base decisions on where they live off of school quality. Parents do not necessarily think other children deserve less, but they are working the present system so they will strategically plan where to live to ensure their child has the best opportunities. "What kind of parent would put their children's future at risk for a political principle?" education expert David F. Labaree asks rhetorically, in response to the question that parents are voters as well, and they

¹ Olivia Perkins. "EDUCATORS GET LOOK AT HOW RICHER HALF LIVES." *The Plain Dealer*. November 20, 1992, sec. Metro.

² Tomislav Topolovčan and Snježana Dubovicki, "The Heritage of the Cold War in Contemporary Curricula and Educational Reforms," *Center for Educational Policy Studies Journal* 9, no. 2 (June 20, 2019), 11.

could protest school inequity by not moving to the best rated schools, and demand all schools are highly ranked. He emphasizes these choices are made because quality education is a scarce commodity in America.³ After the Cold War, some policy makers did not view public schooling as beneficial to society or necessary to create a well-educated populace. Rather, it was thought competition would encourage individuals to receive the best education possible, and by pursuing their own interests everyone would progress, similar to the belief a rising tide of economic growth raises all boats.⁴ The parents in Revere did not believe other children deserved less than theirs, but they believed that they were acting in their children's best interests. The Revere Superintendent Patrick Corbett thought Ohio's funding system needed to change, but he opposed any plans to redistribute wealth, because that would be considered a loss to his students.

Parents, educators, and politicians all recognized Ohio's funding system was unduly hurting students from low income backgrounds. They agreed it was unfair, but many were unwilling to enact parity by giving up some of their resources. Charter schools vowed to improve low performing schools without changing the highly regarded suburban enclaves. Ohio legislation ensures charter schools would almost exclusively reside in 'challenged districts' and only attract students from those areas. These schools would help low performing schools advance without taking revenue nor students from their suburban neighbors because charter schools are contained in their district.

The Win-Win Agreement of 1986 broke the Columbus area's education system into factions as Ohio law stipulates schools receive most of their funding from local property taxes.

³ David F. Labaree, "Public Schools for Private Gain," *Phi Delta Kappan* 100, no. 3 (October 22, 2018), 12.

⁴ David F. Labaree, "Public Schools for Private Gain," *Phi Delta Kappan* 100, no. 3 (October 22, 2018): pp. 11.

The more property rich a district is, the more funding they receive, and wealthy suburban districts surrounding Columbus did not want to share resources with the city. In 1988, Governor Dick Celeste organized the Education 2000 Commission to improve Ohio's public education system. One of the stated goals of the commission was to "deal with the problems of the present system of funding", especially focusing on the growing inequalities from the current formula.⁵ James VanKeuren of the Ohio Department of Education expressed his frustrations in 1988: "What the state is saying...is that you, the local taxpayer, has to make another tough decision."⁶ Voters had to decide whether to increase taxes to improve schools or not. If the district was unable to convince people to vote for higher taxes, or if the citizens were unable to pay higher taxes, then school improvement was not viable. Many parents were frustrated that they bore the responsibility of funding public schools and thought the state government was not doing enough to support individual districts. Furthermore, elected politicians recognized relying on local taxes worsened inequality, and they had a duty to combat it.⁷

George Voinovich succeeded Celeste as governor in 1990, and throughout his gubernatorial campaign he concentrated on his promise to improve Ohio's schools, as most Ohio citizens considered them to be weak and they were not highly ranked at this time.⁸ On his first day in office as governor, May 9, 1990, Voinovich remarked to the press "Improving Ohio's schools will be the number one challenge facing the next administration," highlighting the

⁵ David B. Cooper, editorial, "EDUCATION: OHIO'S TOP PRIORITY." *Akron Beacon Journal*. September 25, 1988.

⁶ "MONEY FOR SCHOOLS IS NOT A ONE-TIME ISSUE." *Columbus Dispatch*, March 9, 1988: 10.

⁷ David B. Cooper, editorial, "EDUCATION: OHIO'S TOP PRIORITY." *Akron Beacon Journal*. September 25, 1988.

⁸ George Voinovich and Mike DeWine. *The Voinovich/DeWine Education Agenda*. Columbus, OH: Voinovich/DeWine Committee, 1990.

importance of the issue in the political mind.⁹ In a later press release on resources and equity in public education, Voinovich said “Education is also the state’s best economic development tool.”¹⁰ In line with the national political consensus of the time, Voinovich asserted economic prosperity relied on the success of K-12 schools.¹¹

Conservatives and liberals alike recognized Ohio’s system of education was inequitable, however, they proposed different solutions to the problem. The Ohio Coalition for Equity and Adequacy of School Funding formed from discontented district superintendents around the state. They argued the only way Ohio could improve school equity was to first enact parity funding. Eight months before the Ohio Coalition for Equity and Adequacy of School Funding filed their original complaint, Governor Voinovich delivered his first State of the State address in which he heavily focused on public schools. He called for a resolution to financial problems within districts themselves and pledged a fund for poorer districts.¹² Voinovich’s outlook combined a call for restructuring while acknowledging schools, especially poorer districts, needed more funds. Superintendent of Public Instruction Franklin Walter said he was heartened by Voinovich’s dedication to education, but was concerned about the districts with existing fiscal problems; “Those problems are not going to be resolved without increased funding.”¹³

⁹ *Phase Two of Voinovich-DeWine Schools Agenda Announced*. Voinovich for Governor Committee. Columbus, Ohio, 1990.

¹⁰ George Voinovich and Mike DeWine. *The Voinovich/DeWine Education Agenda*. Columbus, OH: Voinovich/DeWine Committee, 1990.

¹¹ Nancy E. Bailey, *Losing Americas Schools: the Fight to Reclaim Public Education* (Lanham: Rowman & Littlefield, 2016), p. 141)

¹² Lee Leonard. "VOINOVICH SPEECH SEEN AS WARNING OF LEAN BUDGET." *Columbus Dispatch*, March 6, 1991: 03C.

¹³ Ibid.

Democratic Senator Robert Boggs also appreciated Voinovich's pronounced commitment to public education, but worried that it was not compatible with his promised budget cuts. Specifically, he predicted aid to school districts with high welfare needs would be cut.¹⁴

According to Voinovich and many of his conservative colleagues, adding money to an already broken system would not make it better, and they suggested a different kind of education reform instead. Republican Cooper Snyder of the Ohio Senate said the state has a responsibility to make corrections whenever the state causes a disparity, and the public school funding system did in fact cause disparities between districts. However, he and other Senate Republicans were staunchly against increasing the state's tax burden to equalize funding. "It is unacceptable to simply look at solutions that throw more money at the problem," said Snyder to the press. He suggested the state focus on the common goals stated in previous proposals instead of pursuing legal action.¹⁵ The state administration was cognizant that low income districts specifically needed assistance, but they did not consider redistributing property taxes to be a viable solution. Legislators knew their wealthy constituents would be unwilling to give up their tax revenue for other schools.

Many disagreed and held Ohio's reliance on property taxes created and exacerbated inequality. The Ohio Coalition for Equity and Adequacy of School Funding, for example, was created in 1990 by frustrated superintendents to challenge Ohio's system of funding, specifically asserting that this system of funding is disadvantageous to students from low socioeconomic

¹⁴ Ibid.

¹⁵ Ohio Senate Press Release. Columbus, Ohio. March 19, 1991.

areas and quality education is not consistent throughout the state.¹⁶ The Coalition sought to use legal action to force the state to change its funding system as they saw little progress despite state officials acknowledging the system needed work. The stated mission of the Coalition is “to secure high quality educational opportunities for all students without diminishing opportunities for those students residing in high capacity school districts.”¹⁷ They argued because not all Ohio students had access to the same quality public schools, the system was not constitutional.

The Ohio Coalition for Equity and Adequacy of School Funding filed a lawsuit in 1991 on behalf of Nathan DeRolph, a student in Perry County. Nathan DeRolph was a high school student at Sheridan in the Northern Local School District in Perry County. His parents and the coalition contended his education suffered as he was not given the same opportunities as students in wealthier districts. The coalition accused the state of Ohio of failing to provide adequate education for all students.¹⁸ The Coalition specifically alleged the funding system violated the Ohio Constitution because the constitution requires the state provide a “thorough and efficient system” of public schools, and the vast inequality shows the system to not be thorough nor efficient.¹⁹ Over 500 other districts joined the suit asserting the heavy reliance on local property taxes created an inequitable public school system.

The trial of *DeRolph v. State* began on October 25, 1993. Over the next thirty days, seventy witnesses testified and over four hundred exhibits were shown to shed light on

¹⁶ Ohio Coalition for Equity and Adequacy of School Funding. Ohio Coalition for Equity and Adequacy of School Funding, n.d. ohiocoalition.org.

¹⁷ Ohio Coalition, ed. “School District Membership in the Ohio Coalition for Equity and Adequacy of School Funding Should Be Maintained.” n.d.

¹⁸ *Ibid.*

¹⁹ *DeRolph I*, 677 N.E.2d 733, 735

inequalities among districts. The defendants, the State of Ohio, The Ohio Board of Education, and the Ohio Department of Education, did not contest the exhibits nor the testimonies.²⁰ They were not arguing inequalities did not exist, rather they purported these inequalities were not unconstitutional. In his decision, Judge Lewis rejected this notion, saying:

The Defendants have argued that "disparities" in funding between our school districts are simply differences in the amount of money available to school districts to fund their educational programs. To those students being educated in buildings with asbestos dangers, out of date textbooks, overcrowded classrooms and a lack of standard educational equipment as well as technology the disparities in funding are more than "simply differences" in the amount of money available to school districts to fund their educational programs. They are a deprivation of a fundamental right guaranteed to them by the framers of our State Constitution.²¹

Lewis, thus, agreed with the plaintiffs that disparities in money spent per child led to tangible differences in the students' education, and consequently limited their opportunities. Furthermore, he stated, the population most impacted by school funding are children, who have no capacity to vote for more taxes or raise additional funds for themselves.²²

Judge Lewis ruled Ohio's school funding system as unconstitutional and ordered the state to equitably fund public schools, yet, the public had mixed responses to the *DeRolph* ruling. Some educators were elated, and looked forward to positive changes while others wished the ruling had more teeth. Fairborn Superintendent Steve Scovic agreed with the outcome, but worried that because the decision did not offer an immediate remedy state legislators would "sit on their hands" while addressing school funding complaints. Other educators worried that

²⁰ Ibid.

²¹ Ibid.

²²DeRolph I, 677 N.E.2d 733, 735

litigation would continue for years and districts would be stuck in financial limbo, especially because Governor Voinovich promised to appeal the decision. Superintendent Art Reiber of Greeneview Schools, a district in the greater Columbus area, correctly predicted what would follow this decision: "I still think it'll take a while for anything to get done. We're still a long ways away."²³

As Voinovich and other state Republican politicians continued to object to the July 1994 ruling by promising to challenge it in court, the Alliance for Adequate School Funding formed to further challenge Judge Lewis's decision. The alliance was composed of 59 "property-rich" districts who feared redistribution of their property taxes because of the ruling. The wealthy group said it was unfair for a district court that only represents Lewis County decide the fate of the whole state. Participating districts worried their local funds would be taken, "We're already sharing," said Keith Richards, superintendent of Olentangy Local Schools.²⁴ The Alliance for Adequate School Funding represented 59 of Ohio's 612 school districts, while the Ohio Coalition for Adequacy and Equity of School Funding represented over 500 districts at the time *DeRolph* was filed.

The disagreement over the ruling was not over whether inequality existed or not. Instead, it was about the question of whether or not equalizing the money each district spends per pupil is a fair way to achieve equity, and if equity was even something the government has a responsibility to address. Supporters believed that equity would not exist until resources were equalized. The Voinovich administration thought more money would not help the ills facing

²³ DAYTON DAILY NEWS, Mark Fisher. "LOCAL EDUCATORS SAY COURT RULING FALLS SHORT." *Dayton Daily News*, July 2, 1994: 9A.

²⁴ Ludlow, Randy. "59 districts align to fight school ruling." *The Cincinnati Post*, July 8, 1994: 8A.

Ohio public schools, rather innovation would. According to Mike Dawson, a spokesman for the governor, "We believe that the taxpayers want results for the money they are already investing before we layer in billions of dollars on top of a system that isn't producing the results it should be."²⁵

As promised, the State appealed the decision, and in August of 1995 the 5th District essentially overturned Judge Lewis's order. The court ruled that "however laudable" the goals of equal funding are, "there is no evidence that increased spending will bring about those goals."²⁶ The court concludes that the ruling was an overstep of judicial authority and "wealth-based disparities" do not violate the constitution if all children are afforded a basic education.²⁷ Only one dissenting judge on the court said Ohio's funding system is not fulfilling its constitutional duty of "thorough and efficient" schools because some students are not even receiving a basic education. "Ohio's schools are **not** thorough and efficient," wrote Judge Reader.²⁸

This ruling established that the legislature, not the judiciary, is responsible for creating a system of funding. Attorney General Betty Montgomery called this decision "a home run" for Ohioans and The Ohio Coalition for Equity and Adequacy of School Funding called her comments outrageous.²⁹ Both sides knew this case still had to be decided in the U.S. or Ohio Supreme Court and the issue was not finalized. "If the funding mechanism provided under the

²⁵ Riskind, Jonathan. "EDUCATORS UNITE, VOICE FUNDING NEEDS." *Columbus Dispatch*, July 15, 1994: 01A.

²⁶ DeRolph I, 677 N.E.2d 733, 735

²⁷ DeRolph I, 677 N.E.2d 733, 735

²⁸ DeRolph I, 677 N.E.2d 733, 735

²⁹ Tim Miller. "SCHOOL FUNDING RULING OVERTURNED - LAWMAKERS DECIDE FORMULA, COURT SAYS." *Dayton Daily News*, August 31, 1995: 1B.

statutes are unconstitutional, then the Supreme Court of this state must tell us so - not the trial court nor this court," wrote Judge John W. Wise in his opinion, reinforcing what most were predicting.³⁰

DeRolph made its way to the Ohio Supreme Court in 1996 and the first opinion was issued on March 24, 1997. The court holds that the current funding system is unconstitutional and orders a "complete, systematic overhaul" of Ohio's public school funding mechanism.³¹ The state Supreme Court then remanded the case back to the original trial court to ensure the remedy meets its requirements. Legislators protested this ruling saying it was judicial overreach and the court did not give guidelines on what a constitutional funding system would look like or how they could establish one. The state motioned for reconsideration and clarification and on April 25, 1997, the Ohio Supreme Court issued another opinion, this one stating local property taxes may be used, but cannot be the primary source of funds, and reiterated that the trial court retains jurisdiction over this case.³²

Governor Voinovich called this ruling "judicial activism at its extreme" and went on to link this judicial interference to previous rulings of the 1970s that made busing for the purpose of desegregation mandatory.³³ The *DeRolph* cases were allegedly not about segregation. They were supposedly about monetary distribution between districts. However, because of the ways that segregation divided neighborhoods, fights about funding were also fights about racial inequality.

³⁰ DeRolph I, 677 N.E.2d 733, 735

³¹ DeRolph v. State (Opinion of Justice F.E. Sweeney) <http://www.sconet.state.oh.us/rod/docs/pdf/0/1997/1997-ohio-84.pdf>

³² DeRolph v. State (Opinion of Justice F.E. Sweeney)

³³ Tim Miller, COLUMBUS BUREAU COLUMBUS. 1997. "VOINOVICH LASHES EDICT - Governor calls ruling a move to impose a large tax increase," Dayton Daily News, March 26, pp. 1A.

Voinovich evoked the heated desegregation debates while speaking about the *DeRolph* ruling in a way that signals to wealthier families that he would continue to support them and prevent equalization tactics that would force their kids to intermix with students of different socio-economic backgrounds. Voinovich stated his opposition to the rulings was because he opposed extreme judicial activism.³⁴

The Ohio State Supreme Court ruling on *DeRolph* took place in 1997, the same year a pilot community school program was established in the state of Ohio. The Republican governor and Republican dominated state legislature opposed the *DeRolph* ruling and supported the pilot program for the same reasons: they did not support increasing or redistributing taxes in the name of school reform. After the *DeRolph* ruling of 1997, state lawmakers were at an impasse. The state supreme court ruled the funding system needed to change, but increasing state taxes or redistributing local taxes were unpopular options. Community schools became an attractive third option. Resources would not be redistributed nor would state taxes increase, instead school reform and equalization would be accomplished by the invisible hand of the economic market.

³⁴ Darrel Rowland. "BLACKWELL FIGHTS PLAN TO BOOST TAXES FOR SCHOOLS." *Columbus Dispatch, The (OH)*, July 10, 1997: 08D.

Chapter 4: The Dawn of Ohio Charter Schools

By the mid-1990s, Central Ohio's problems with educational inequality came together with the national movement for market-based reforms to produce the first major push for charter schools in Ohio. According to the *Columbus Dispatch*, Governor George Voinovich delivered a "well crafted, almost scholarly" State of the State address in January 1995. He focused heavily on education, reiterating again that the state already gave some money from a special fund just for low income students as extra support to low-income districts, and was opposed to adding more. This speech was delivered in the midst of *DeRolph* litigation and Voinovich was facing backlash for not doing enough for poor students, and he thought parity aid from the state was sufficient at the time.¹ He also publicly called for the creation of charter schools for the first time, saying "I want Ohio to be the first state to have an honest-to-goodness experiment in school choice," he continued, "How will we know if it works or not, if we don't at least try it?"² The first charter school was not piloted for another two years, but here Voinovich connects the goal of charter schools to improving low-income districts.

Under the premise that competition could improve school choice for low income students, Ohio first sanctioned voucher programs that offered choice. In 1989 with the passage of Ohio Bill 140, the state's first voucher program was enacted. This law states that by July 1, 1993, every district had to adopt an intradistrict open enrollment policy, so that students could transfer within their district to the best school available. Each district also had to choose to have an open

¹ "STATE OF STATE - EDUCATION, WELFARE REFORMS GO BEYOND MONEY." *Columbus Dispatch*, January 27, 1995: 08A.

² *Ohio State of the State Address*. C-Span, 1995. <https://www.c-span.org/video/?62923-1/ohio-state-state-address>.

interdistrict enrollment policy or not; those who did would permit students from nearby districts into their schools.

Most districts did not embrace this proposal as it was quite controversial and faced plenty of opposition. The Commission on Education Choice, for example, said the plan for vouchers would encourage new schools but did not show much evidence for implementation.³ Political commentator George Weir Hartman disparaged the proposal because, as he said, there was little evidence to show vouchers improved public schools via competition, public funds would be given to religious schools, and public schools would be treated as a private commodity.⁴

Despite the controversy surrounding the bill, it is significant because this was the first time Ohio had a kind of market structure introduced to its public schools, and the concept of using competition to improve schools continued in later arguments for charter schools. A Democratic and Republican coalition led by Joel Hyatt and Mike Dewine supported “experimenting” with charter schools among other reforms to Ohio’s public education in 1994.⁵ These politicians pointed to a 1991 Urban Policy Research Institute study of Ohio schools that showed academic achievement and money spent per student was not correlated.⁶ Sam Staley of the *Columbus Dispatch* said the 1991 results did not suggest policy makers were unable to

³ Jonathan Riskind. "GIVING STUDENTS CHOICE OF SCHOOLS EXTOLLED." *Columbus Dispatch*, December 17, 1992: 04D.

⁴ "WITH VOUCHERS, PUBLIC - PAYS FOR PRIVATE SCHOOLS." *Columbus Dispatch*, December 11, 1992: 10A.

⁵ Jonathan Riskind. "DEWINE, HYATT FAVOR MORE FEDERAL MONEY, FEWER STRINGS." *Columbus Dispatch*, October 2, 1994: 06B.

⁶ Sam Staley. "GOOD SCHOOLS CAN RUN ON LEAN BUDGET." *Columbus Dispatch*, August 25, 1994: 09A.

improve school quality, but they just needed to try new methods, offering charter schools and school-based competition as possible recourse.⁷

Voinovich officially asked for charter schools to be sanctioned in his 1997 budget proposal. He advocated for a ‘report card’ system for individual schools and districts who would be graded, by the state, on their academic and fiscal performance in hopes to increase school accountability to the state and people.⁸ He thought the increase in public knowledge of school rankings would encourage parents to make careful decisions about where they would send their children, incentivizing districts to compete with one another. In the budget proposal, Voinovich specifically mentioned that he believed charter schools would improve urban districts. Several Democratic state senators pushed back against this plan. Senator Jeff Johnson, for example, said, “I believe that the fight must first be in the area of changing how Ohio funds its schools. Any proposal that shifts money without first establishing better and more reliable funding will only enhance the problem.”⁹

Supporters of Voinovich’s proposal, meanwhile, argued that increased freedom and flexibility for teachers would improve student outcomes and that the traditional system needed higher standards. Experimenting with new initiatives, therefore, could only strengthen Ohio’s public education system.¹⁰ With the support of several Democrats, who supported the bill because it offered innovative school reform, the proposal passed. The General Assembly agreed

⁷ Ibid.

⁸ Florence C Riffe, *Words & Deeds: The Achievements of Governor George V. Voinovich* (Athens, Ohio: Ohio University Special Publications, 1999))

⁹ D, Jeffrey. “LOOKING AT CHARTER SCHOOLS.” *Cleveland Call and Post*, February 13, 1997.

¹⁰ “COMMUNITY SCHOOLS - WHY NOT TRY DEREGULATION OF EDUCATION?.” *Columbus Dispatch*, September 17, 1995: 02A.

to a five-year pilot program in Lucas County.¹¹ Within the next two years, House Bill 55 and 282 expanded start-up charter schools to any “challenged district” and established the State Board of Education as a sponsor of potential charter schools.¹²

Ohio adopted charter schools from a larger national movement for applying market principles to education but applied it to a local context. Voinovich took notes on one of Milton Friedman’s school reform pieces and saved it with his personal notes. The article, “Public Schools: Make them Private” was published in *The Washington Post* just a few weeks after Voinovich called for charter schools in his State of the State Address. Friedman wrote that the education establishment has too much power which impedes growth and thinks a free-market system would foster growth.¹³ The point Friedman makes that seems to resonate the most with Voinovich, however, was that urban schools have the most to gain from free choice, as it would create “a real alternative to the wretched schools” children residing in central cities currently attended.¹⁴ Voinovich endorsed charter schools as a recourse to students in low performing districts.

However, Friedman asserted that the only way this will truly help students in low income areas was if choice is universal to all students. Ohio did not create universal charter laws. Legislators wanted to improve low performing districts without interfering with the ones that were high performing. These performance rankings closely aligned with wealth. A universal

¹¹ Riffe, Florence C., *Words & Deeds: The Achievements of Governor George V. Voinovich* (Athens, Ohio: Ohio University Special Publications, 1999) p. 86)

¹² Community School Legislative History, Community School Legislative History § (2016).

¹³ Friedman, Milton. “PUBLIC SCHOOLS: MAKE THEM PRIVATE.” *The Washington Post*, February 19, 1995, sec. Editorial.

¹⁴ Ibid.

charter law would remove challenged districts as the focus. Since 1999, charter schools are only possible in ‘challenged districts’ which includes those facing academic emergencies (decided by the state) or one of Ohio’s 21 urban districts.¹⁵ It is possible to create a charter school outside a ‘challenged district’ in Ohio, but the process for approval and funding is different and significantly more difficult. Today, there is not a single charter school outside a ‘challenged district’ in Franklin County.¹⁶

The concept that charter schools are designed for low performing students is prevalent in Ohio sponsors as well. The Thomas B. Fordham institute is a political think tank that promotes charter school legislation as well as financially sponsors charter schools in Ohio, they specifically advocate for charter schools on behalf of “needy youngsters” in urban centers, showing they are dedicated to improving outcomes for low income areas about all else. In *Ohio’s Education Reform Challenges: Lessons from the Frontlines* three thinkers from the Thomas B. Fordham Institute evaluated the early days of Ohio charter school policy in 2010. The authors admit legislators struggled to implement effective laws in the beginning, but Ohio has learned from the mistakes and should continue to invest in charter schools and expand charter school legislation. They argue that charter schools were the product of a larger fiscal, political, and education policy debate in Ohio. While the first charter school coincided almost exactly with the state supreme court’s initial *DeRolph* ruling, they point out that *DeRolph* was only part of the reason Ohio adopted charter legislation.¹⁷ These authors, who are associated with a sponsor of

¹⁵ Community School Legislative History, Community School Legislative History § (2016).

¹⁶ Information compiled from The Ohio Department of Education, *Community Schools*

¹⁷ Chester E. Finn, Terry Ryan, Michael B. Lafferty. *Ohio’s Educational Reform Challenges: Lessons from the Frontlines* (New York, New York: Palgrave Macmillan, 2010))

Ohio charter schools, think opponents to charters falsely connect *DeRolph* to charter school legislation.¹⁸ The “full story” they criticize others for ignoring is the story of urban decay following white flight. “By the time of the *DeRolph* case, serious angst could be discerned in many quarters regarding the fiscal and academic performance of Ohio’s urban districts.”¹⁹ The authors assert charter schools are needed to give students in poor performing districts, primarily low income urban districts, an option different from public schools; however, they contend the *DeRolph* cases are separate from the issues facing urban districts.

The Fordham Institute is incorrect in this evaluation. The problems urban school districts faced in the early 2000s are the problems the Ohio Coalition for Equity and Adequacy of School Funding fought against starting in 1990. The coalition filed a case on behalf of a student attending a rural school but urban school districts joined the suit.²⁰ The reliance on local property taxes to fund schools hurt low income neighborhoods regardless if they were rural or urban. Columbus City Schools faced extreme fiscal issues as a combination of using local property taxes and the Win-Win Agreement of 1986. While *DeRolph* did not focus on urban districts in Columbus nor the Win-Win Agreement, the Coalition addressed the financial disparities students in Columbus City Schools encountered. *DeRolph* fought against school inequity that stemmed from an unfair system of funding, and in Columbus the Win-Win Agreement was responsible for such unfairness.

¹⁸ Information compiled from the Ohio Board of Education, *Community School Sponsors*, April 15, 2020.

¹⁹ Finn, 24

²⁰ William L. Phillis. Ohio Coalition for Equity and Adequacy of School Funding, *About Us*.

Ohio's charter school laws were reactionary. They responded to political disputes over funding and the state supreme court ruling from 1997. In Ohio, charter schools exist for the purpose of improving educational opportunities for low income students, which over the past two decades they have not shown to do.²¹ Former state legislative reporter of the *Plain Dealer* Thomas Suddes said the pilot program was set to end in 2003, instead charter schools have opened around the state, "some good, some anything but."²² These charter schools are based on calls for 'experimentation' in school reform and the avoidance of increasing or redistributing taxes. Ohio has lax legislation for sponsors and the schools themselves, resulting in disastrous outcomes over the past twenty years. Because Ohio law stipulates only 'challenged districts' can have such charters, low income and minority students are disproportionately subjected to this failed experiment. From 1999 to 2014, Franklin County saw on average seven new charter schools a year. This pattern slowed significantly in 2015, with only two new charters being established a year. At the peak, sixteen new charter schools opened in 2013, of those only four are still in operation.

²¹ Bailey, 37.

²² Thomas Suddes. "Column: Fixing school funding mess, and vouchers, shouldn't be so hard." *Columbus Dispatch*, February 23, 2020.

Chapter 5: What Went so Wrong in Ohio

While some policymakers hoped that these changes might improve urban school districts while keeping suburban districts from making any sacrifices, these reforms did little to address the problems they were meant to solve and led to corrupt deals. Two years after Ohio state law sanctioned the creation of charters, Franklin County saw its first charter schools. Four opened in 1999, and of those, two were closed before summer. One stayed open until 2002 and the last was in operation for a decade. The experimental aspect of charters enables them to close rapidly as it encourages a ‘trial and error’ mentality. In the past two decades, 61 charter schools closed in Franklin County, the average being in operation for less than five years.¹

High Life Youth Community School was the first of Franklin County’s charter schools to close, after being open for less than six months. The school struggled with financial issues from the start; teachers were told to buy their own supplies and file for reimbursement from the school but they never received said funds, computers, televisions, and other technology was sequestered because of failure to pay, and staff went months without pay. On November 29, 1999, the school closed citing financial difficulty, but told their students to wait a week so the school could try to get money from private sources. When that failed, Director John Hazelwood announced the school would close for the year.²

The Columbus Dispatch spoke with High Life teachers after the school announced its closure. “Most said they can't believe that the school is foundering -- and that they were never

¹ Information compiled from The Ohio Department of Education, *Community Schools*

² Ruth Sternberg. "TEACHERS HAD SENSE THAT END WAS NEAR - Equipment disappeared from High Life school." *Columbus Dispatch*, December 24, 2000: 01B.

consulted.”³ Hazelwood said the school’s board hoped to raise money from private foundations, and when those fell through the school could no longer rely on state funding, which was \$940,000, or over \$5,600 per the 167 students. For comparison, the state gave Columbus City Schools \$3,035 per student in the same school year.⁴ Hazelwood said “It’s out of my control.” when asked about the collapse of the school.⁵

High Life closing part way through the year interrupted the lives of teachers and administrators who lost their jobs. "You were led to believe that this was a family," said teacher Mike Gladfelter. "This isn't how family treats family."⁶ It also disrupted the education and lives of 167 students. “They need stability.” Gladfelter said, expressing frustration and disheartenment for the disturbance in his students' education. Eric Landversicht, another teacher, said "The sad part when I look at it is the kids. The kids are going to suffer,”⁷ This instability experienced by High Life students is not unique to Franklin County’s charter school scene; 27 now closed charter schools were open for less than a single year.⁸

³ Sternberg, 01B.

⁴ Information compiled from Ohio Department of Education, *Expenditure and Revenue Data*, <http://education.ohio.gov/Topics/Finance-and-Funding/Finance-Related-Data/Expenditure-and-Revenue/Expenditure-Revenue-Data>

⁵ Ruth Sternberg. "TEACHERS HAD SENSE THAT END WAS NEAR - Equipment disappeared from High Life school." *Columbus Dispatch*, December 24, 2000: 01B.

⁶ Ibid.

⁷ Bill Bush. "2 CHARTER SCHOOLS WERE OVERPAID - Classes suspended at High Life center, school officials say." *Columbus Dispatch*, December 30, 2000: 01B.

⁸ Information compiled from Ohio Department of Education, *Community Schools*, <http://education.ohio.gov/Topics/Community-Schools>

It was later disclosed by the Ohio Department of Education that High Life received more funds in its first five weeks of operation than it should have received for that whole year.⁹ The school's enrollment predictions were greatly overestimated which led to the overpayment. The state expended more money for the school than it would have if the students attended traditional public schools. Yet, High Life still ran out of money to provide amenities for their students and to pay their staff. "I kind of get the feeling 'Tough luck, just move on'," said Keith Cutright, an employee who was shorted three weeks of pay. Financial difficulties are also not unique to High Life, many closed charter schools list "poor financial performance", "financial viability" or "financial issues" as their explanation of closure.¹⁰

A 2001 State Audit conducted by Jim Petro found that High Life Youth Community School owed \$1.8 million to the state when it closed. "That's taxpayer money down the drain," he said to the *Columbus Dispatch*.¹¹ High Life was not the only charter school facing scrutiny. A 2001 state audit found charter schools were "largely unaccountable for the \$78 million in state tax money diverted from local schools to fund them."¹² Two other studies by the Legislative Office of Education Oversight in 2001 showed the Ohio Department of Education had such little oversight that they could not explain what these schools were teaching or how tax dollars were being spent.¹³

⁹ Bill Bush "2 CHARTER SCHOOLS WERE OVERPAID - Classes suspended at High Life center, school officials say." *Columbus Dispatch*, December 30, 2000: 01B.

¹⁰ Information compiled from Ohio Department of Education, *Community Schools*, <http://education.ohio.gov/Topics/Community-Schools>

¹¹ Donna Glenn. "AUDIT DETAILS FISCAL FAILINGS AT NOW-DEFUNCT CHARTER SCHOOLS." *Columbus Dispatch*, July 6, 2001: 01A.

¹² Sternberg, 01A..

¹³ Ibid.

Almost immediately, Ohio charter schools had obvious problems. Despite state officials like Jim Petro of the State Auditor's office and members of the Legislative Office of Education Oversight Committee showing bad behavior, reform was slow. Legislators were lobbied by people who could financially benefit from lax regulations. Legislative reporter Thomas Suddes argues the continuance of weak charter school reform is part of the General Assembly's avoidance of fairly financing public schools, which the state Supreme Court ruled on in 1997.¹⁴ Ohio politicians advocated for and enacted charter school legislation to cover their avoidance of creating a completely new system of funding, as ordered by the state supreme court.

The mishaps within the first several years of charter schools spurred some debate. Some opponents to charter schools cited their experimental nature and wanted to wait to expand the programs. Democratic State Representative Frederick Strahorn was against creating more charter schools until there was hard data and evidence supporting the existing ones.¹⁵ Other opponents took a harder stance, arguing that too much money was drained from existing schools and charters open the door for corruption. The Ohio Education Association opposed charter schools in Ohio in entirety, president Gary Allen called out the “dubious enterprise” of these schools. In the mid nineties, the AFT also rescinded their support of charter school initiatives. President Al Shanker said “the original charter school concept had been stolen by those who wanted for-profit schools-”.¹⁶ The corporate sponsorships Bush championed tainted the movement for union leaders. Union leaders emphasized that it is not the concept of charter schools they are against,

¹⁴ Suddes, sec. opinion.

¹⁵ Catherine Candisky. "BUDGET BENEFITS CHARTER SCHOOLS." *Columbus Dispatch*, May 5, 2001: 01C.

¹⁶ Bailey, 35.

rather the pro business laws and limited oversight, especially in Ohio, are irresponsible and do not benefit students.¹⁷ Others who similarly opposed the creation of charter schools in Ohio cited a Legislative Office of Education Oversight study which showed charter school students did not outperform their traditional public school counterparts on state proficiency tests.¹⁸ Most opponents shared similar discontentment with the financial structure of charter schools, frequently citing little financial oversight, the burden previous scandals put on the taxpayer, and the opportunity little regulation opens for future corruption. “Community-school boards are made up primarily of employees and board members from management companies and are not representative of the particular community,” then State Auditor Jim Petro said in a letter to the Education Department in 2000.¹⁹ Having a board made up entirely of people who can profit from the operation is dangerous, and is counter intuitive to the claim that charter schools give the community more control over public education.

Proponents of charters embrace positive examples and say that previous failures are not the norm and that future legislation will work those problems out.²⁰ Others exemplify the importance of ‘thinking outside the box’ which charters not only enable but encourage as well as the opportunity for students in failing districts to attend better schools.²¹ Proponents heavily focus on ‘choice’, accusing those against charter school expansion of declaring an “all-out war

¹⁷ "PAPER'S VIEW OF CHARTER SCHOOLS IS INCOMPLETE." *Columbus Dispatch*, June 22, 2002: 15A.

¹⁸ Catherine Candisky. "BUDGET BENEFITS CHARTER SCHOOLS." *Columbus Dispatch*, May 5, 2001: 01C.

¹⁹ Bill Bush. "LOOSE REGULATIONS ALLOW FOR CONFLICTS OF INTEREST." *Columbus Dispatch*, April 30, 2001: 01A.

²⁰ Catherine Candisky. "GOP PROPOSES MORE CHARTER SCHOOLS." *Columbus Dispatch*, April 5, 2001: 09C.

²¹ "DOWNTOWN SCHOOL GIVES PARENTS PEACE OF MIND." *Columbus Dispatch*, November 28, 2001: 10A.

against choice” and forcing children to attend low-performing schools.²² During Bob Taft's administration, from 1999 to 2007, the Ohio Legislature continued to issue bills supporting the creation of charter schools, but it also took into account some of the opposition's opinions. For example, policymakers improved financial transparency related to financial accountability of sponsors and increased the role of the State Board of Education in 2001 and 2003. In an attempt to limit opportunities for corruption the General Assembly passed House Bill 66 and 79 in 2005. Provisions in these bills included caps to how many schools can be sponsored by one entity, expanded accountability, and prohibited individuals from serving on more than two charter school boards at a time.²³

This pattern of issuing some reform measures while still strengthening charter schools continued throughout the early 2000s, ending in 2007 when Republicans lost the governor's office. Bob Taft was Ohio governor from 1999-2007 in which the GOP dominated all branches of the Ohio state government. “Overall, we did a lot to improve the prospects of Ohio’s future in education,” Taft remarked on his tenure.²⁴ The state supreme court which affirmed the *DeRolph* rulings in 2000, 2001, and 2002 occurred during Taft’s administration and he and his Republican colleagues did enact parity aid to equalize how much money the state gave per student to carry out the orders. However, the Ohio Coalition for Equity and Adequacy of School Funding asserted that these measures did not go far enough to fulfill the requirements of the Constitution,

²² "THINKING OUTSIDE THE BOX." *Columbus Dispatch*, September 27, 2002: 07B.
 "CHILDREN NEED CHARTER SCHOOLS." *Columbus Dispatch*, June 30, 2001: 11A.

²³ Community School Legislative History, *2015-2016 Annual Report on Ohio Community Schools*, 2016.

²⁴ Joe Hallett. "Ohio GOP's leadership legacy is a mixed bag." *Columbus Dispatch*, December 31, 2006: 01A.

but the Supreme Court denied certiorari by the Coalition in 2003, and ended the opportunity for more litigation.

“The biggest success charter schools have had is that they’ve forced the public schools to change for the better,” noted Speaker of the House Jon Husted on Taft's tenure as governor and the Republican majority. This position was not well supported as at this time public schools were outperforming charters. The *Columbus Dispatch* refuted Husted’s claim saying education policies were more of a mixed bag. Critically the *Dispatch* noted the \$485 million diverted from traditional public schools in 2006, corruption scandals of public funds being taken as profit, and lack of accountability in rejection to Husted’s praise of the charter school program.²⁵

Democrat Ted Strickland took over the governor’s office from Taft and held it until 2011. While running for Senate in 2016 former Democratic governor Ted Strickland said taxpayers was highly critical of Ohio's charter school legislation²⁶ This comment does not match positions he held on charter schools and school choice while he was governor from 2007 to 2011. At the beginning of his term, Strickland opposed charters, but his position softened to wanting more regulation and ousting corrupt entities instead of closing all charter schools. By the end of his term, and with strong Democratic support for charter schools nationally, Strickland supported charter schools but wanted them to be held accountable to student performance.²⁷

²⁵ Ibid.

²⁶ Burgess Everett. "Strickland: Ohio 'raped' by for-profit charter school firms" *Politico*. October 7, 2016.

²⁷ "Seek steady course - Governor, divided legislature should work together to make school choice serve Ohioans." *Columbus Dispatch*, November 26, 2008: 08A..
 "Embrace change - Obama endorses new ideas in education; Strickland should do same." *Columbus Dispatch*, March 16, 2009: 08A.

Strickland faced intense backlash because of his opposition to charter schools during his term as governor, which prompted his outlook shift. Strickland said charter schools have been a “dismal failure,” which conservatives said was wrong of him, and he should be focused on how public schools “have been victimizing tens of thousands of students in urban Ohio districts for years.”²⁸ Strickland’s 2007 proposal for a moratorium on the creation of more charter schools was also attacked by Republican and Democratic officials. “I know this has been viewed on the part of some as an attack upon all charter schools, and that’s certainly not my intention,” said Strickland, emphasizing that his new position was against corruption and poor accountability in charter schools, not charter schools themselves.²⁹

Strickland warmed up to charters out of fear of losing the support of his constituents. The majority held that while corruption and accountability were issues within charter schools, charter schools themselves were not the root of the problem, and charter schools were still attracting bipartisan support. Charter schools were also supported by the national Democratic platform. Charter schools became such an integral part of this platform that in 2012 President Barack Obama encouraged the creation of charter schools and threatened to withhold funds from states who opposed them in his Race to the Top education reform.³⁰

Charter schools also attracted bipartisan support in Ohio. Politicians on both sides of the isle praised a 2007 Achieve, Inc. report *Creating a World-Class Education System in Ohio* which was “intended for Ohio policymakers and all other stakeholders interested in moving Ohio’s

²⁸ “Preserve choice - Governor is wrong to target charter schools, vouchers.” *Columbus Dispatch*, March 25, 2007: 04B.

²⁹ Jennifer Smith Richards. “Critics want reprieve for some charters - Moratorium also would halt promising schools.” *Columbus Dispatch*, April 9, 2007: 01A.

³⁰ Bailey, 12.

K-12 system to world-class levels.”³¹ The report gave seven “best practice” suggestions to bolster Ohio schools, most of which emphasized charter schools. Charter schools continued to be contested, however, the conversation moved away from opposing them wholesale. Instead, opponents attacked lax regulation that allowed for corruption as opposed to the general concept.³²

Problems with lax oversight continued despite bipartisan calls for stricter regulation. This is a result of a concentrated effort by wealthy Ohioans to curb such reforms. During the early 2000s, David L. Brennan, the “godfather of Ohio’s charter-school system” heavily lobbied for lax charter school legislation. The *Columbus Dispatch* calls him “the most influential non-elected Ohioan” and says he “almost single-handedly changed the face of education” in Ohio. Through political donations to mostly Republican state politicians, Brennan played a major role in the continuance of charter schools despite resistance.³³ Over his lifetime, he donated almost four million dollars to political movements in Ohio, with most of his money going to education causes or to back pro school choice politicians.³⁴ Brennan was not bankrolling politicians solely because he believed in freedom of choice plans for schools, however. He owned White Hat Management, a for-profit charter school agency. White Hat was sued by ten of its former schools which claimed that the agency violated its financial duty of taking ownership of supplies bought with public funds. The Ohio Supreme Court ruled that these contracts were legal in 2015, but this

³¹ Achieve, Inc. “Creating a World-Class Education System in Ohio,” 2007.

³² Ibid.

³³ Joe Hallett. “Man behind charter-schools movement is a force to be reckoned with.” *Columbus Dispatch*, October 30, 2005: 07B.

³⁴ Data compiled from FollowTheMoney, David L. Brennan. <https://www.followthemoney.org/entity-details?eid=62968>

still led to criticism over its management by former employees and parents whose students attended their schools. Combined with years of low test scores and high dropout rates, White Hat's reputation sank.³⁵ White Hat Management left the charter school business in 2018, but before then was instrumental in shaping Ohio's charter policy.³⁶

Along with David Brennan, Bill Lager was another private, unelected individual who shaped Ohio's charter school legislation. Like Brennan, Lager also had personal investments that benefited from lax regulation and oversight as he founded ECOT- Electronic Classroom of Tomorrow- in 2000. In 2016, ECOT was ordered to repay the state \$80 million after it was revealed they were exaggerating student attendance to receive more money from the state. Democratic Chairperson David Pepper called this "the largest scandal in the state's history."³⁷

Bill Lager spent about \$2.5 million in political donations, 92% of which went to Republican lawmakers. Jon Husted, one of said Republican lawmakers, authored a rewrite of Ohio's charter school laws in 2002, in response to corruption, but the changes did not impact ECOT. The Department of Education said they pushed for online charter regulations to be included, but Republicans balked when ECOT did not endorse.³⁸ Republicans also passed a moratorium on new e-schools from 2005 to 2013, giving ECOT a monopoly over the online education market.

³⁵ "David Brennan | 1931-2018: Akron Businessman Promoted Charter Schools in Ohio." *The Columbus Dispatch*. October 15, 2018.

³⁶ Ibid.

³⁷ Jim Siegel. "Which side is right in political battle over ECOT blame?." *Columbus Dispatch, The: Web Edition Articles*, September 2, 2018.

³⁸ Akron Beacon Journal / GateHouse Media Ohio, Doug Livingston. "Ohio school districts sue Facebook for accepting ECOT ad purchases." *Columbus Dispatch, The: Web Edition Articles*, April 11, 2019.

The scandal also involved former Ohio Representative Keith Faber, who was elected as the state auditor in 2019. Faber supported ECOT through most of its existence, received thousands of dollars in campaign contributions from Lager, and later exaggerated his role in the 2015 law to make online charter schools more accountable.³⁹ His opponent Zack Space pointed back to the ECOT affair throughout the campaign trail, but Faber still won the election. Despite being the “largest” scandal in state history, Democrats failed to use it to oust politicians who had a role in the scandal, and those who received funding from Lager still hold office. Ohio constituents still support school choice policy even though the results have yet to manifest, or they did not see the ECOT failures to be the largest scandal in state history.

In 2014, Alex Medler of the National Association of Charter School Authorizers, a pro-charter school association, said Ohio was a ‘free-for-all’ because legislation does not limit who can sponsor a charter school, and how many schools a single entity can sponsor. Medler said the lack of standards for sponsors in Ohio led to a quality control problem, which made Ohio “more broken than the Wild West.”⁴⁰ Having so many sponsors and little oversight or regulation led to sponsors backing schools that should not have been established. Six years have passed since this interview with Medler, at the time Ohio had 69 agencies that could authorize schools, which made it a national outlier.⁴¹ In the 2019-2020 school year Ohio had 59 sponsors in the state,

³⁹ Marty Schladen. “Zack Space, Keith Faber get rough in state auditor's debate.” *Columbus Dispatch, The: Web Edition Articles (OH)*, October 19, 2018.

⁴⁰ Patrick O'Donnell. “Ohio Is the ‘Wild, Wild West’ of Charter Schools, Says National Group Promoting Charter Standards.” *The Plain Dealer*, July 28, 2014.

⁴¹ Ibid.

which the NACSA still says will stifle quality and lead to extreme differences in standards and practices among charter schools.⁴²

This ‘free-for-all’ eventually leads to unqualified charter schools opening, and many eventually close. Franklin County has seen 111 charter schools from 1997 to 2019; sixty are now closed. About half of charter schools in Franklin County have failed over the past two decades. Of those that are closed, a majority were open for less than five years. Over 80 percent of the ones still in operation, however, have been opened for more than five years. Competition does ensure the worst schools will eventually close, but even one year is a significant portion of students’ education to be disrupted. Furthermore, a school being in operation for over five years does not necessarily mean it is high performing or that it is significantly better than the traditional public school options. In 2019, the Ohio Board of Education gave Franklin County charter schools a ranking of 2.5, on average, with 1 being the worst and 5 the best. Columbus City Schools received a score of 2.06 on average.⁴³

While Ohio policy was influenced by David Brennan and Bill Lager, there was still a national movement advocating for school choice. The national charter school movement is led by the “Gates-Broad-Walton triumvirate”.⁴⁴ These philanthropists spend billions of dollars a year to support various education policies they support, almost all market-based incentives like choice, competition, and deregulation.⁴⁵ These unelected philanthropists have serious sway over school

⁴² NACSA. “Introduction to Multiple Authorizers.” National Association of Charter School Authorizers. NACSA, n.d. <https://www.qualitycharters.org/state-policy/multiple-authorizers/introduction-to-multiple-authorizers/>.

⁴³ Information compiled from Ohio Department of Education, *Community Schools*, <http://education.ohio.gov/Topics/Community-Schools>

⁴⁴ Joanne Barkan. “Got Dough? How Billionaires Rule Our Schools.” Dissent, 2011.

⁴⁵ Barkan, “Got Dough?”

policy. Diane Ravitch of the *Los Angeles Times* called Bill Gates the nation's superintendent because of his influence, "He can support whatever he wants, based on any theory or philosophy that appeals to him."⁴⁶ Education expert Nancy Bailey criticized such a system in which people who are not accountable to the people can influence policy and their only expertise is being wealthy. Parents and teachers are left out of policy decisions.⁴⁷

Charter schools were legislated to improve educational outcomes for students in 'challenged districts', which are disproportionately composed of low income and minority students. Ohio law makes it difficult to establish charter schools outside said districts, and charter schools cannot accept students who do not reside in a 'challenged district'. This does not create a true free market, rather, parents who are unhappy about the options for their kids welcome charter schools because their public schools are dismal. Ohio politicians called for "experimentation" with charter schools, and low income students are the lab rats. Jessie O. Gooding, president of the Dayton NAACP branch asked "Why did they select only inner city schools- because [they're] predominately black?"⁴⁸ drawing attention to the problematic nature of experimenting with school choice in students' lives, and questioning the motives of politicians willing to subject mostly minority and low income students to those experiments.

Ohio is two decades into this 'experiment'. Promised results of improved outcomes for low income students have not been shown. Nor have public schools improved despite pundits self-congratulating themselves for doing so. Unlike the rest of the nation, the 'crisis' schools

⁴⁶ Bailey, 17.

⁴⁷ Ibid.

⁴⁸ Wendy Hundley and Mark Fisher, "NAACP Doubts Charter Plans," *Dayton Daily News*, April 10, 1998, 6B.

faced were only in low income areas. The *DeRolph* ruling mandated change, and legislators gave students an experimental plan devised by an economist, rather than educators or educational policy experts.

Conclusion

Charter school legislation originated from a national movement rooted in the belief that American schools were weak and the proposal that deregulation and competition could resuscitate the economy, which relied on the education of young people. Ohioans used those reform proposals for their own crisis in education- disparate opportunities and outcomes. The inequality attempted to be resolved is a legacy of residential segregation, annexation, and racist school policy. Charter school laws catered to wealthy businessmen is not a legitimate resource for students.

The national school choice movement was born out of a widespread perception the economy and public schools were falling behind after the. National political leaders blamed economic shortfalls and predicted societal collapse because of America's 'failing' public education sector. This prompted the demand for reform, and when combined with the 80s and 90s conservative ideology of pro-business deregulation, and market competition- charter school legislation began taking shape. Charter schools promised reform and innovation, and said competition was the means.

Ohio's charter school movement followed a different path than the universal proposition lauded by conservative thinkers Whereas the national movement stressed community control, Ohio's main priority was improving disadvantaged children's education without increasing taxes or redistributing resources. There was urgency because of the *DeRolph* rulings, so after a short pilot program in one district charter schools were allowed in all 'challenged districts' across the state.

Charter school ideology is rooted in capitalistic business principles, insisting that competition incentivizes people to improve. Proponents of this worldview believe that people will act in their best interests which in turn lifts everyone, and they argue that government regulation stifles creativity and innovation. They would also argue corporations can run better than the government, enabling schools to be more efficient in their use of tax payer money. Of the sixty now closed charter schools in Franklin County, 63% cite financial problems as their main reason for closure, challenging the success of the for profit business model when applied to schools.¹

When this creativity and innovation led to loose oversight and opened the door for corruption, substantial reform to charter school laws in Ohio was stifled by wealthy individuals who sought to profit off the schools. David Brennan and Bill Lager were able to buy themselves immunity from oversight, which hurt children attending their schools. Milton Friedman would be opposed to this system as it enables monopolies and the lack of transparency hurts one's ability to make an informed decision.² Milton Friedman would also argue Ohio prevented a true free market from the start, because charter schools are only in 'challenged districts'.

The corruption issues and experimental nature of these schools have especially detrimental effects on the students. The 'challenged districts' students are confined to are challenged because of segregation, white flight, and suburban annexation. Instead of parity these students are given the option to attend charter schools. Over the two decades that Ohio has been

¹ Information compiled from The Ohio Department of Education *Community Schools*, <http://education.ohio.gov/Topics/Community-Schools>

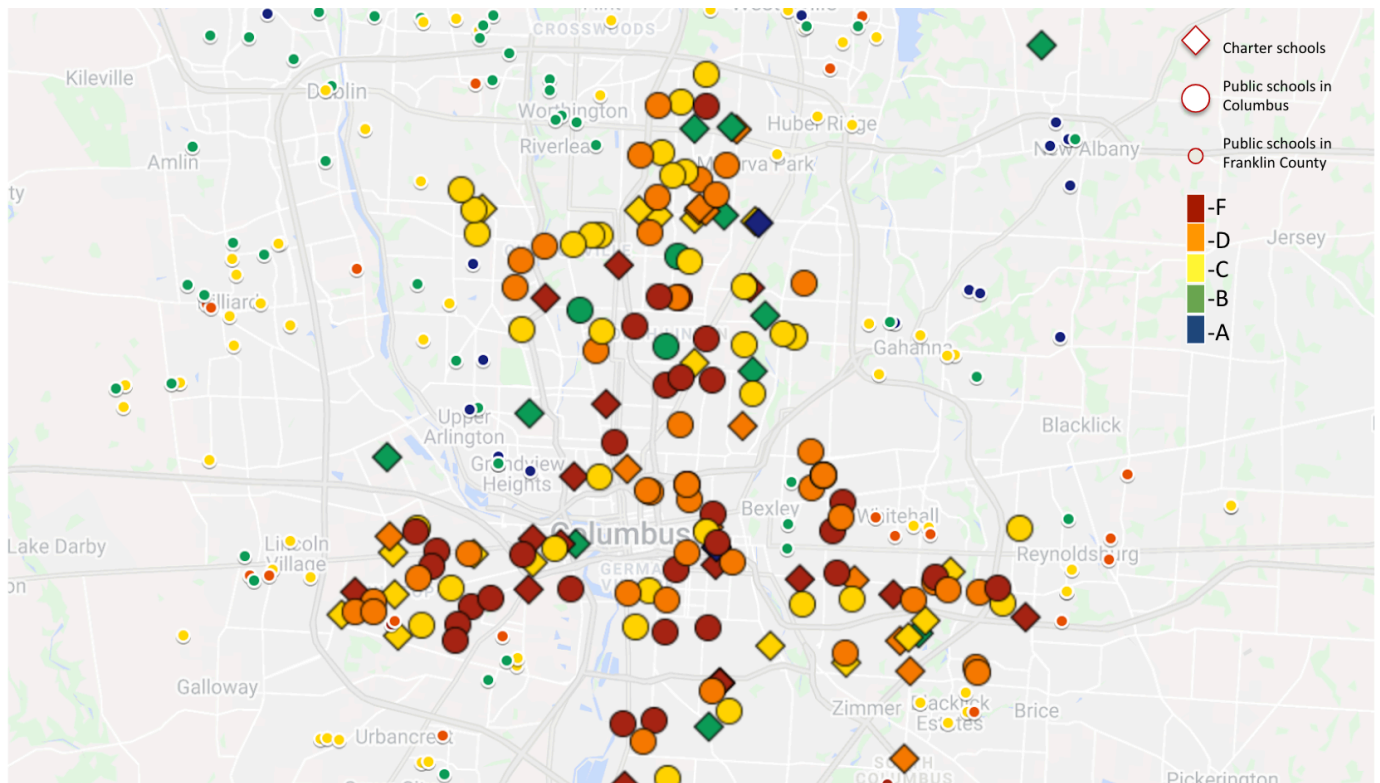
² Milton Friedman. "PUBLIC SCHOOLS: MAKE THEM PRIVATE." *The Washington Post*, February 19, 1995, sec. Editorial.

experimenting with charter schools, student outcomes have not improved as promised nor has traditional public schools improved. Instead, many times students attend schools that are poorly managed and likely to close without warning, disrupting their education.

Appendix

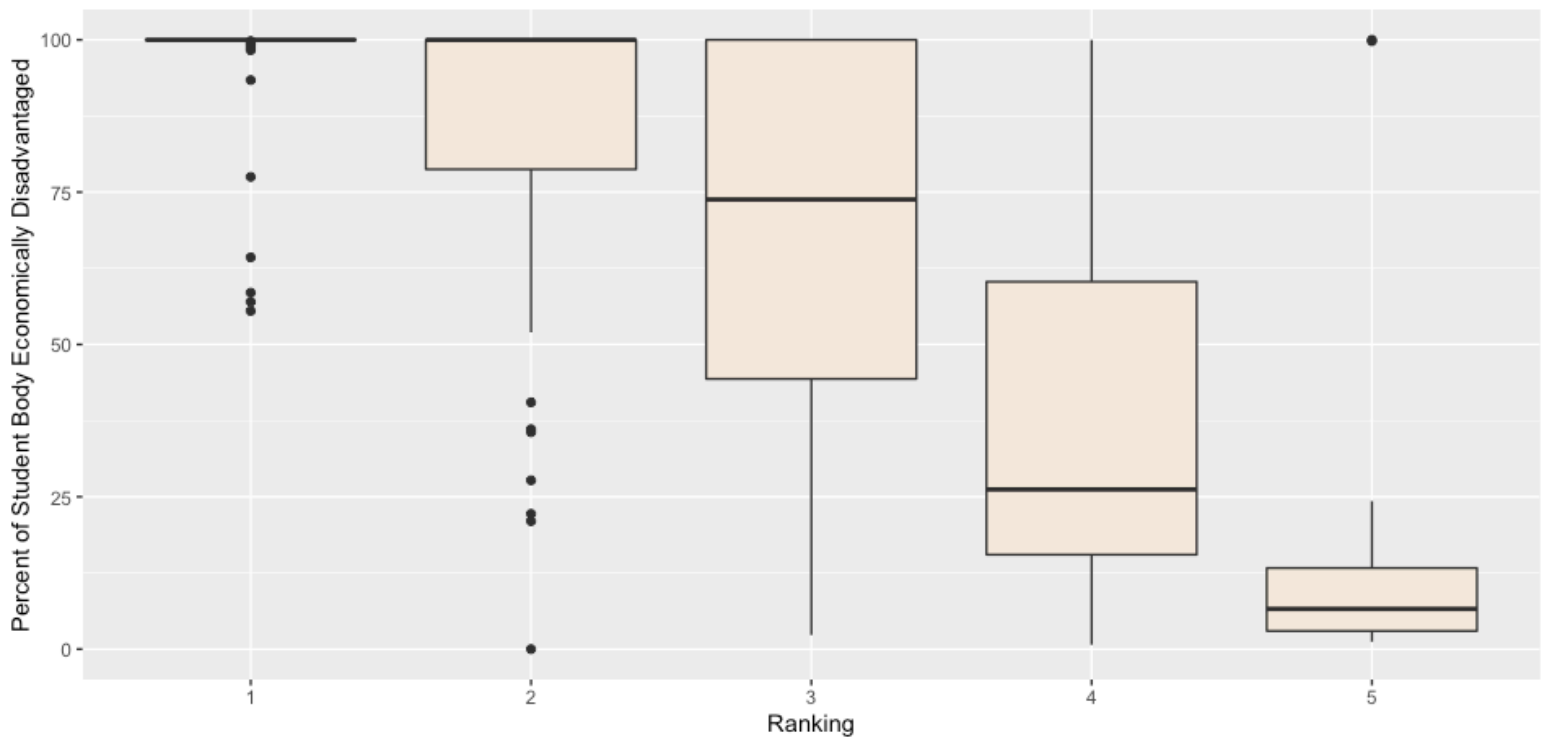
Charter and Traditional Public Schools in Franklin County

2018-2019 School Year



The map shows the distribution of publicly funded schools and their rankings in Franklin County. Red and orange (schools receiving either F or D scores from the state), regardless of being chartered or traditional, are concentrated in the Columbus areas. Charter schools have not shown to improve public schools. Grades are given to schools based on student performance, progress, ‘gap closing’ for minority students, graduation rate (if applicable), improving K-3 reading (if applicable), and preparation for the future.

2019-2020 School Year, Chartered and Traditional Public Schools in Franklin County
Percent of Economically Disadvantaged Students in School by Ranking



Data from Ohio Board of Education school report cards

The bolded line shows the median percent of economically disadvantaged children per ranking. The ranking of 1 (or grade of F) has a median of 100% economic disadvantaged students, as does 2 (or D). 1 is more concentrated, however, and 2 has greater variance. Ranking 3 (or C) shows a complete range, with a median of 73.8% and more schools with more than half of students being economically disadvantaged. 4 (or B) also has a range from 0 to 100 % economically disadvantaged, but more schools with this ranking are below 50%, with a median of 26.6%. All rank 5 (or A) schools have less than 25% of students being economically disadvantaged, other than the two outliers at 100%.

This graph includes both traditional public schools and charters. Schools with rankings of 1 and 2 (F and D) are overwhelmingly economically disadvantaged. Not a single school with less than 55% of the student body being considered economically disadvantaged received a score of 1 from the state. The outliers in rank 5 are two charter schools with a 100% economically disadvantaged student body. Two of the sixty charter schools in Franklin County are this high performing, the vast majority of low income students do not attend high performing schools, charter or traditional public.

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